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General debate on national experience in population matters: assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development

Statement submitted by Center for Reproductive Rights, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

As States at the United Nations negotiate a post-2015 development agenda that will shape development assistance for the next 20 years, they should ensure that human rights, including reproductive rights, are an essential part of that framework. Over the past 20 years, the Programme of Action of the International Conference on Population and Development has led to many advancements in achieving women's reproductive rights, including increased recognition in the international human rights framework that States must respect, protect and fulfil a wide range of reproductive rights. These rights must continue to provide guidance to States in their implementation of the Programme of Action and should also serve as a guide for integrating reproductive rights into the post-2015 development agenda.

Since the Programme of Action was adopted in 1994, international human rights norms have recognized that reproductive rights are a key component of women's right to equality, clarifying that violations of reproductive rights are primarily manifestations of discrimination, poverty and violence. Where women's rights to equality and non-discrimination are not fulfilled, women's ability to access reproductive health services and make meaningful choices about reproduction is limited. Conversely, where women are unable to access reproductive health services, the inequalities and discrimination they face are exacerbated owing to the differentiated impact that childbearing has on women's health and lives. Women face unique, gender-specific barriers to the realization of their rights, which result from discrimination; stereotypes about women as mothers, caregivers and childbearers; and traditional roles. While the Millennium Development Goals sought both to improve women's access to particular reproductive health services and to promote gender equality, these were viewed as two separate aims, which did not adequately account for these issues' interconnectedness and reinforcing nature. It is only by addressing these issues in tandem, as the Programme of Action has done, that true gender equality can be achieved and women can effectively exercise their reproductive rights.

Furthermore, as the Programme of Action recognizes, women may also face additional inequalities because of their race, ethnicity, socioeconomic status, disability status, HIV status or because of where they live, further limiting their opportunities for development. Where these specific barriers are not addressed, they prevent women's rights from being fulfilled and inhibit women's ability to achieve their development potential.

In addressing the interconnected nature of these issues, treaty monitoring bodies have made clear that guaranteeing women substantive equality is essential for ensuring the full range of women's rights. In its general recommendation No. 25, the Committee on the Elimination of Discrimination against Women noted that the Convention on the Elimination of All Forms of Discrimination against Women requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It also noted that the position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities have also endorsed this approach.

To be in line with international human rights norms, substantive equality should be a core component of all development frameworks. This would ensure women both equality of opportunity and equality of results. As such, development frameworks should address:

- Power structures: States should examine and address current societal power structures, including stereotypes about women, and analyse the role that gender plays within them;
- Potentially different treatment: States should recognize that equal treatment may not be sufficient to overcome inequalities, particularly when equal treatment disadvantages women;
- Structural change: States should change institutions in order to address the inequalities experienced by women, rather than requiring women to change to conform to a male norm;
- Equal outcomes: States should focus on equal outcomes for women, including for different groups of women, which may require positive measures, such as affirmative action and different treatment of men and women, to overcome historical discrimination and ensure that institutions uphold women's rights.

As a component of women's right to equality, States must also guarantee women access to a full range of reproductive health services, including comprehensive sexuality education, maternal health care, contraception and abortion. Treaty monitoring bodies have made clear that States must eliminate barriers to reproductive health services, including unnecessary restrictions, such as high costs, mandatory waiting periods and third-party authorization requirements, on services that only women need. States must also adopt policies and practices, including development policies and practices, that specifically address the barriers that women face to accessing reproductive health services and also proactively facilitate that access, recognizing that failure to do so is a violation of women's right to equality. These policies and practices should recognize the marginalized situation of women and seek to transcend historical discrimination, gender stereotypes and the traditional roles of women in the family and in society.

Finally, the post-2015 development agenda must ensure that there are accessible mechanisms for effective accountability. Human rights frameworks have already been established and proven effective at monitoring and assessing State compliance in transparent, international forums. International development commitments may also benefit from being linked to human rights monitoring and evaluation mechanisms, including courts, independent institutions such as ombudspersons, and political monitoring bodies at the local and national levels, as well as United Nations treaty monitoring bodies, United Nations special procedures and human rights-based intergovernmental processes. By increasing accountability through the linkages between the human rights framework and the international development agenda, while recognizing the reinforcing nature of women's reproductive rights and their rights to equality and non-discrimination, the effectiveness of international commitments targeting the advancement of women will be greatly enhanced.